

SOUTHERN - WESTERN

Edward Smith
V. Petitioner

Anthony J. Brignano
Respondent

Civil Case No C-1-01-844

Judge Susan J. Dlott
Magistrate David S. Pearlman
Supplement to objection
Report and Recommendation
Ground SEVEN 4TH
Amendment warrant
Violation

CIVIL CASE NO. C-1-01-844
MAY 11 PH 5:13Memorandum in Support

Now comes Edward Smith, petitioner, pro se and hereby moves this Honorable Court to Supplement objection to Mag. Judge David S. Pearlman Report and Recommendation. Ground Seven, 4TH Amendment - warrant violation. Fed R. Crim. P. 41(a) through a warrantless search and seizure absent exigent and consent. This factual showing for an arrest warrant protects an individual from an unreasonable seizure and issues upon a showing of probable cause to believe a suspect is committing or has committed an offense. The Petitioner states that the Trial Court had ruled at two side bar conferences concerning this warrant violation which violated the petitioner 4th amendment right. The Prosecutor cannot "say fail" when this violation was revealed by Federal agent Rozier through cross-examination. This is also a Brady violation for failing to produce "Witness Statements." The Petitioner prays this Honorable Court honor this request in the name of Justice and the U.S. Constitution.

The Petitioner rely on the original objection to Mag. Judge RTR with attachments and reference to the transcripts. The opinion of the

Continued

Trail court see attachment "B" pages 447, 448, 449 - Ex. 39 Tr.
447, 448, 449 and attachment "C" Tr. pages 467, 468

Respectfully Submitted
Edward Smith, pro se
Edward Smith, pro se
A. 346-408

Warren Coe Inst.
P.O. Box 120
Lebanon OH. 45036

Certificate of Service

I, Edward Smith, petitioner, pro se do hereby certify that a copy of this motion was given to prison officials for legal-mail processing and to be mail, 15th class-postage prepaid to: Thelma Thomas Price (6033976), Asst. Attorney General, Coce Litigation Section, 140 East Town St. 14th Fl. Columbus, OH. 43215-6001 on this

1 day of May 2004

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